<table>
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<tr>
<th>Meeting Date</th>
<th>09/02/2020</th>
<th>Department</th>
<th>City Council</th>
</tr>
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<tbody>
<tr>
<td>Agenda Item</td>
<td>4.0 Review and Accept Minutes from August 5, 2020 and August 12, 2020</td>
<td>Est. Cost</td>
<td>n/a</td>
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Attached are the minutes from August 5, 2020 and August 12, 2020.

**Requested Action**

'I move to approve the minutes of August 5, 2020 and August 12, 2020 as presented.'

**City Manager and/or Finance Review**

The City Manager recommends the above action.

**Council Vote/Action Taken**

**Departmental Follow-Up**

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<tr>
<th>1st Reading</th>
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<tr>
<td>2nd Reading</td>
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<td>Final to Dept</td>
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Mayor Hart called the meeting to order at 6:00pm.

1. ROLL CALL & PLEDGE OF ALLEGIANCE

Patricia Hart, Mayor at large; Councilors: Terry Berry, District 1; Councilor Amy Rees, District 2; Colin Frey, District 3; Tim Cusick, At large; Marc Rines, District 4; Maryann White, At large; Jon Ault, At large; City Manager, Christine Landes; Economic Development Director, Tracey Desjardins; Patricia Buck, Wes Holland, Alexandra

2. PUBLIC COMMENT (anything not on the Agenda)

None

3. PETITIONS/PUBLIC HEARINGS

a) Proposed Amendments to the Marijuana Establishment Licensing Ordinance

Per the City Council's request, the Marijuana Establishment Licensing Ordinance was sent back to the ORC to review the fees that were originally included in the ordinance.
It was agreed to the following:
* remove the fees from the ordinance and require that a fee be paid based on the City Council adopted fee schedule
* recommend that the fees as adopted in the licensing ordinance be included in the fee schedule
* add a provision in the fee schedule that caps the fees paid for multiple facilities on the same lot at $2,500

Ordinance Review Committee Chair, Debby Willis gave a brief summary of the proposed amendments.

Mayor Hart opened the public hearing at 6:09pm and asked for any comment. Seeing and hearing none. Mayor Hart closed the public hearing at 6:10pm.

b) Proposed Amendments to Chapter 12 Mobile Food Vending Units of the City's Code of Ordinances

Previously the City Council adopted proposed amendments to Chapter 12 Mobile Food Vending Units of the City's Code of Ordinances. Unfortunately, the wrong amendment copy was approved.

Ordinance Review Committee Chair, Debby Willis gave a brief summary of the correct proposed amendments.

Mayor Hart opened the public hearing at 6:13pm and asked for any comment. Seeing and hearing none. Mayor Hart closed the public hearing at 6:14pm.

c) Discontinuance of a Portion of Commerce Drive in the Libby Hill Business Park
Ben Philbrook is purchasing Lot 15 in the Libby Hill Business Park. As part of the approval process for his business, the Planning Board asked for a small portion of the hammerhead piece on Commerce Drive (aka Enterprise Avenue) be discontinued so that appropriate controls can be completed on Lot 15.

Mayor Hart opened the public hearing at 6:15pm and asked for any comment. Seeing and hearing none. Mayor Hart closed the public hearing at 6:16pm.

d) Adult Use Marijuana Business License Application: Herbal Pathways, LLC

The Land Use Code Addresses Marijuana Establishments:
It states- 10.28.5 An applicant that has received a conditional license from the State of Maine for a marijuana establishment may apply for City approval of that category of establishment. Any approval or license based upon a conditional state license shall be conditioned on the applicant receiving an active license from the state within one hundred eighty (180) days of the date of the City’s approval. If the applicant fails to obtain an active license within that period, all City approvals, licenses and permits are void.

Herbal Pathways, LLC has been granted a conditional license with the State of Maine and has received approval from the Planning Board. The conditional license acknowledges and affirms all information is true and complete and then requires local authorization. As part of the Marijuana Business License Application for the City of Gardiner, approvals must be given by Code Enforcement, Economic Development, City Manager, Gardiner Fire Department, Gardiner Police Department, Public Works, and City Council.

Mayor Hart opened the public hearing at 6:17pm and asked for any comment. Seeing and hearing none. Mayor Hart closed the public hearing at 6:18pm.

e) New Liquor License: West Street Neighbors, LLC dba Lisa’s Legit Burritos

This is a Public Hearing for a new liquor license: West Street Neighbors LLC dba Lisa's Legit Burritos. The restaurant is relocating to the former Pastaz Restaurant location at 304 Water Street (formerly at 242 Water Street). Lisa's Legit previously held a liquor license, however let it lapse at their former location.

Mayor Hart opened the public hearing at 6:19pm and asked for any comment. Seeing and hearing none. Mayor Hart closed the public hearing at 6:19pm.

4. NEW BUSINESS

a) First Read of Proposed Amendments to the Marijuana Establishment Licensing Ordinance

Per the City Council’s request the Marijuana Establishment Licensing Ordinance was sent back to the ORC to review the fees that were originally included in the ordinance.
It was agreed to the following:
* remove the fees from the ordinance and require that a fee be paid based on the City Council adopted fee schedule
* recommend that the fees as adopted in the licensing ordinance be included in the fee schedule
* add a provision in the fee schedule that caps the fees paid for multiple facilities on the same lot at $2,500

Councilor Berry thanked Debby Willis and the Ordinance Review Committee for all the hard work.

b) **First Read of Proposed Amendments to Chapter 12 Mobile Food Vending Units of the City’s Code of Ordinances**

Previously the City Council adopted proposed amendments to Chapter 12 Mobile Food Vending Units of the City’s Code of Ordinances. Unfortunately, the wrong amendment copy was approved.

c) **Set Second Public Hearing Regarding the Discontinuance of a Portion of Commerce Drive in the Libby Hill Business Park**

Ben Philbrook is purchasing Lot 15 in the Libby Hill Business Park. As part of the approval process for his business, the Planning Board asked for a small portion of the hammerhead piece on Commerce Drive (aka Enterprise Avenue) be discontinued so that appropriate controls can be completed on Lot 15.
Upon some more clarification from the City Solicitor it was learned that the City Council will need to set a second Public Hearing on September 2, 2020, to hear public comment on this proposed discontinuance. At that same meeting, the City Council will be asked to vote to discontinue the small portion.

Councilor Cusick moved to terminate the discontinuance process of the portion of road on lot #15.
Councilor White seconded.

Councilor Berry asked for an update on the process and anticipated closing date.
City Manager Landes responded that the Real Estate Agent, Dennis Wheelock asked for signatures to terminate two offers in the Libby Hill Business Park (the developers are not walking away, but is instead looking at other lots in the Business Park).

Mayor Hart asked for any discussion. Hearing none. All those in favor. Unanimous.

d) **Consider the Approval of an Adult Use Marijuana Business License Application: Herbal Pathways, LLC**

The Land Use Code Addresses Marijuana Establishments:
It states- 10.28.5: An applicant that has received a conditional license from the State of Maine for a marijuana establishment may apply for City approval of that category of establishment. Any approval or license based upon a conditional state license shall be conditioned on the applicant
receiving an active license from the state within one hundred eighty (180) days of the date of the City’s approval. If the applicant fails to obtain an active license within that period, all City approvals, licenses and permits are void.

Herbal Pathways, LLC has been granted a conditional license with the State of Maine and has received approval from the Planning Board. The conditional license acknowledges and affirms all information is true and complete and then requires local authorization. As part of the Marijuana Business License Application for the City of Gardiner, approvals must be given by Code Enforcement, Economic Development, City Manager, Gardiner Fire Department, Gardiner Police Department, Public Works, and City Council.

Councilor Cusick moved to conditionally approve the marijuana business license for Herbal Pathways, pending the applicant receiving an active license from the state within 180 days of this meeting and to allow the City Manager to complete and sign the Office of Marijuana Policy's Adult Use Local Authorization Form.
Councilor Ault seconded.
Mayor Hart asked for any discussion. Hearing none. All those in favor. Unanimous.

e) Consider the Approval of a New Liquor License for West Street Neighbors, LLC dba Lisa’s Legit Burritos

This agenda item is the consideration for an approval of a new liquor license: West Street Neighbors LLC dba Lisa's Legit Burritos. The restaurant is relocating to the former Pasta’z Restaurant location at 304 Water Street (formerly at 242 Water Street). Lisa's Legit previously held a liquor license, however let it lapse at their former location.

Councilor Ault moved to approve the liquor license for West Street Neighbors, LLC dba Lisa's Legit Burritos.
Councilor White seconded.

Councilor Ault commented that it is sad to see Pasta’z leave.

Mayor Hart asked for any discussion. Hearing none. All those in favor. Unanimous.

f) Consider Approval of a Victualers License for Ruby’s Place

Located in the soon to be former Lisa's Legit Burritos location at 242 Water Street will be a new business: Ruby's Place.

Councilor Ault moved to approve the Victualers license for Ruby's Place.
Councilor Cusick seconded.
Mayor Hart asked for any discussion. Hearing none. All those in favor. Unanimous.

g) Council Consideration for Disposal of a 2007 GMC Plow Truck

Per the Policy on POLICY ON DISPOSITION OF TAX ACQUIRED PROPERTY (TAP)
& OTHER CITY PROPERTY adopted on January 22, 2020 the following conditions exist:

Section 7. Sale of City Property (non-Tax Acquired)

7.1 Equipment or material that is obsolete or surplus is to be reported to the City Manager for disposition.

A. Sales that have an estimated dollar value over $5,000 shall be sold at a public auction or through formal competitive bids. The City Council shall award such bids.
B. Sales from $1,000 to $5,000 shall be supported by price quotations from preferably three (3) competitive sources or adequate explanation from the City Manager justifying the absence of such competition. The City Manager shall award such sales.
C. Sales estimated at less than $1,000 shall be conducted in the most economical manner and in the best interest of the City. The City Manager shall award such sales.
D. While nothing shall prohibit employees from purchasing these types of items from the City, they must do so on their own personal time. In addition, no employee shall be permitted to use or come to possess any such item, unless properly purchased under this policy.
E. The City Manager shall have the final say on the estimated dollar value of such property, however, all equipment or materials disposed under this policy shall be advertised in the most economically feasible way for the city. i.e. social media, website, bulletin board, etc.

The City of Gardiner Public Works has a 2007 GMC Plow Truck with wing that the City Manager is asking to send out to bid. The mechanic at PW estimates the value to be above $5,000. The City Manager is asking for permission to sell the truck through a formal competitive bid process with bids being awarded on September 2, 2020.

Councilor Berry asked how many miles are on the vehicle.

Denise Brown replied that she does not know the mileage and the vehicle has been sitting for a few years and has numerous items wrong with it and it will need to be towed.

City Manager Landes commented that the truck may be a good value for private roads and drives.

Councilor Ault moved to approve the sale of a 2007 GMC Plow Truck through the competitive bid process and to award the bid at the September 2, 2020 City Council meeting.

Councilor Cusick seconded.

Mayor Hart asked for any discussion. Hearing none. All those in favor. Unanimous.

h) Council Consideration of City Hall Hours/ Employees and Open to the Public

As the front office worked through the COVID closure and the reopening of city hall at reduced hours, it became more obvious that closure time in the office allowed staff to complete required work at a higher success level.

Currently the front office staff has kept the reduced office hours but in preparation for reopening, the Emergency Operations Control Team was asked to delay their full reopening decision until the City Council could have a chance to review the newly proposed schedule for office hours; both employee hours and open front office hours.

The following proposal is being sent forth to the City Council for their consideration:

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<tr>
<th>Day</th>
<th>Staff Arrives/Leaves</th>
<th>Open to Public</th>
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Office of the Mayor & City Council | 6 Church Street | Gardiner, ME 04345
207-582-4200 | 207-582-6895 (fax) | www.GardinerMaine.com
Monday  7:30 or 8:00/4:00 or 4:30  8:00-4:00  
Tuesday  7:30 or 8:00/4:00 or 4:30  8:00-4:00  
Wednesday  8:00 to 6:00  12:00-6:00  
Thursday  7:30 or 8:00/4:00 or 4:30  8:00-4:00  
Friday  8:00 to 12:00  8:00-12:00

This schedule will allow customers to visit the office earlier than existing current hours while still maintaining the one late night a week. The employees would work 37.50 hours and the office would be open to the public 34 hours. This would allow 3.5 hours per week to complete work without customer interruption(s).

Councilor White asked what other Municipalities are offering.  
City Manager Landes responded that some are still working limited hours and some are still by appointment only and some are working towards regular hours.  
Councilor White asked if the staff is feeling safe.  
City Manager Landes replied that everyone is taking precautions for safety and it is working very efficiently.

Councilor Berry moved to approve the proposed employee schedule/open office hours starting August 10, 2020. Councilor White seconded. 
Mayor Hart asked for any discussion. Hearing none. All those in favor. Unanimous.

i) Council Discussion Surrounding Retail Marijuana Stores

Since the formal adoption of ordinances allowing the sales of marijuana in Gardiner, multiple businesses have applied for licenses to open stores in the city.

Residents and owners of other types of businesses are concerned that there will be too many stores in the city and have asked that council consider a imposing a limit.

At this moment we have:
6 medical grow facilities. (A few of them may switch to adult use.)
1 Medical Retail-Wellness Connection
1 Medical retail approved by PB but not open yet
1 Adult use Retail approved by PB but not open yet
2 Medical/Adult use retail going before PB in August
1 Medical/Adult use retail turned in on August 05, 2020

Patricia Buck Welton; works at Healthy Communities of the Capital Area in Gardiner. We are working on a grant coalition in Gardiner that is made up of many diverse stakeholders throughout the MSAD #11 School District. Patricia expressed concerns about marijuana establishments and would like to see limits to establishment availability.

Sam Quinatna, spoke from a local law enforcement point of view. As a school resource officer, he supports substance prevention and restricting availability.
Beth Newman, resident of Gardiner and works in the Gardiner School system, is also concerned with the availability of marijuana and would like to see limits and restrictions on how many retail stores are allowed in Gardiner.  
Alex McMahan and Joe Couture are in the process of opening a marijuana retail store called The Healing Community Medco at 189 Water Street and would like to be permitted to open.  
Mayor Hart read three letters from Norah Diversy, Barbara Estabrook and Annie Cough who all express concerns with how many establishments are already in Gardiner and don’t feel that anymore should be allowed.  
Councilor Rees did not realize how many applicants the City would receive all at once and the Council should look further into limiting the number of facilities allowed in Gardiner.  
Councilor Berry commented that if we limit one legal enterprise then are we going to go back and limit other legal enterprises.  
Mayor Hart asked the Healthy Communities of the Capital Area to come back with alcohol statistics as well for comparison at a future meeting.  
Councilor Cusick agreed with Councilor Berry. Retail will work itself out and only so stores many will survive. How many businesses in Gardiner are selling marijuana?  
CEO McNeill replied that only one in Gardiner currently (Wellness Connection). With five more applications waiting for review. Expressed his support of the businesses and suggests not limiting.  
Councilor White thanked the coalition for their comments and agrees with Councilor Rees.  
Councilor Ault stated that he respects everyone’s opinions and feels that economically, the market will work itself out. He agreed with Councilor Berry and Councilor Cusick.  
Debby Willis commented as a Gardiner resident, expressed concern with having these establishments opening.  
Mayor Hart also expressed concerns with the number of applications received so quickly.  
Councilor Cusick commented that he has no concerns with sending the ordinance back to ORC for further review.  
Councilor Ault agrees with Councilor Cusick. It has gone through the review process numerous times already.  
Councilor Rees stated that the ORC might consider putting a limit of time between each one opening.  
Councilor Rines would like to see it go back to ORC for review and would like to hear more from the citizens of Gardiner and South Gardiner.  
Debby Willis although the State legalized marijuana, it is still federally illegal.  
Mayor Hart asked the ORC to look at it again for further review.  

j) Appoint Kennebec Valley Council of Governments Official Representatives  
Councilor Ault moved to appoint Terry Berry and Tracey Desjardins as the City of Gardiner's Official Representatives for the Kennebec Valley Council of Governments.  
Councilor Cusick seconded.  
Mayor Hart asked for any discussion. Hearing none. All those in favor. Unanimous with Councilor Berry abstaining. 7-0-1  
k) Consideration of Maine Municipal Executive Committee Slate
Annually, the City Council, as members of MMA, are asked to vote on the election of officers serving on the Executive Committee. An appointed committee interviews candidates and brings forth a proposed slate of nominees.

Councilor Cusick moved to vote for the slate of Maine Municipal Committee Members, as presented, and to allow Mayor Patricia Hart to sign the ballot. Councilor White seconded. Mayor Hart asked for any discussion. Hearing none. All those in favor. Unanimous.

1) Acceptance of Criminal Forfeiture Funds from District Attorney, In Rem

The Office of the District Attorney asks that the City Council be informed of criminal forfeiture funds that may be available, in rem, to the city. Currently the City Council is being asked to approve the acceptance of $1,054.00, and a Springfield XD .45 semi-auto pistol with a thirteen (13) round capacity magazine, or such amount ordered by the court.

Councilor Rees moved to accept criminal forfeiture funds pursuant to 15 M.R.S.A. § 5824(3) and § 5826(6) in the amount of $1,054.00 and weapon which will be used and/or destroyed at the discretion of Chief Toman, or such amount ordered by the court, in rem, on the grounds that the Gardiner Police Department did make a substantial contribution to the investigation of this or a related criminal case. Councilor White seconded.

Councilor Berry moved to amend the motion to read as follows: if the weapon is not used by Gardiner Police Department for training purposes, it must be destroyed. Councilor Rines seconded. Mayor Hart asked for any discussion. Hearing none. All those in favor. Unanimous.

m) Review and Accept Meeting Minutes from June 17, 2020, June 24, 2020, July 22, 2020 & July 29, 2020


5. EXECUTIVE SESSION

None

6. CITY MANAGER REPORT

- Resumes for the Fire Chief position are due Friday. The interview committee will consist of Police Chief Toman, Human Resource Director Brown, Augusta Fire Chief Audet, Richmond Fire Chief Ian Alexander, Ambulance Committee member Tim Cusick, City Manager Landes and Al Nelson.
- Captain Seeberg will be interim Fire Chief
- Expect a new police cruiser late August
The City will be doing an RFP for portable radios
We did submit another Healthy Maine Grant application in the amount of $65,050.00 partner with Tiger Food pantry and the Boys and Girls Club along with a few small items for Gardiner Main Street and a couple large ticket items for the City.
City Clerk Kelly Gooldrup will be leaving us next Friday. I want to personally thank her for her two years of service and wish her well in the City of Augusta.
Library will be fully open next week
Thanks to Librarian Ann Davis and Police Chief Toman for stepping up in my absence the past few weeks.
Denise has warrants that need signing from councilors
New Revenue sharing numbers have been released. The projection for Gardiner is $684,753.00.
New Tax bills should go out next week
Received email from the Hallowell City Manager Nate Rudy asking that the City Council consider a request to have the mask mandate similar to what Hallowell and Augusta are doing in accordance with the State.
Could we add back in the September 16 meeting. Council agreed
Steve Gove will have the dinner for the Council but after COVID

7. CITY COUNCIL REPORT

Councilor Ault
- Thanks everyone for the marijuana discussion
- Thanks to Councilor Berry for his opinions
- Kelly will be missed but glad you are advancing your career.

Councilor Cusick
- Enlightening discussion regarding marijuana
- Thanks to Kelly. You have always been very helpful.
- Asked about paving
  City Manager Landes met with All State Paving on Monday. The intention is to be back on September 16. All should be done by the end of September.
- Received complaint about trenches on Libby Hill Road
  City Manager Landes will check on it.

Councilor White
- Wish Kelly good luck in her future endeavors and thank her for her two years here.
- Great respect for Councilor Berry and his views

Councilor Berry
- Enjoyed this and other councils for great communication and respect.
- Asked where the City stands with the Façade Grant.
  EDD Desjardins replied that the City did not get the grant.
- When will the grant process open again
  EDD Desjardins replied that usually in the fall or spring. Also the Downtown Master Plan Grant is in process for submission and we will prepare an RFP.
- Large drug bust a few years ago. Asked Landes to look into the process in the court system.
- Thanked Kelly for her service. She is great person to work with.

Councilor Rees
Thank you to Kelly. I wish you the very best and remember that you can come back to Gardiner if you decide that Augusta is not your place.

Councilor Frey
- I agree with Councilor Rees. Kelly has been fantastic. I wish her all the best. I also wish she were staying.
- Great marijuana discussion. I appreciate all the input from the community.

Councilor Rines
- Thanked Kelly for her service to Gardiner.
- Residents be kind to yourself and take care of your neighbors.

Mayor Hart
- Thanked City Clerk Kelly Gooldrup for her service. Thanks to Fire Chief Al Nelson for his service. They will both be leaving at the same time. It was a pleasure to work with both of you.
- Welcome new business Rubys place
- Wish Lisas Legit Burritos well in their new location.
- Thanked the volunteers who have been maintaining the Fountain
- Value how the different Municipalities have come together during the pandemic.
  Would like to see the mask mandate put on the next agenda.

8. ADJOURN

Councilor Cusick moved to adjourn,
Councilor Ault seconded.
Mayor Hart asked for any discussion. Seeing none. All those in favor. Unanimous 8:12pm.

Chat Room
- 00:22:35 Patricia Buck Welton, HCCA: Hi Pat I am here from HCCA and would like to speak briefly representing Gardiner Area Thrives
- 01:01:26 Alex McMahen: Hello, I would like to speak please.
- 01:02:15 Pat Hart: I will call on you thx
- 01:03:49 Beth Newman: I can speak from the coalition as well
- 01:06:50 Joe Couture: Hi my name is Joe Couture and I would like to speak as well. thank you.
- 01:07:02 Pat Hart: thank you

This document will be reviewed during the September 02, 2020 City Council Meeting.
Mayor Hart called the meeting to order at 6:00pm.

1. **ROLL CALL & PLEDGE OF ALLEGIANCE**

   Patricia Hart, Mayor at large; Councilors: Terry Berry, District 1; Colin Frey, District 3; Tim Cusick, At large; Amy Rees, District 2; Marc Rines, District 4; Maryann White, At large; Jon Ault, At large;
   Christine Landes, City Manager;

2. **PUBLIC COMMENT (anything not on the Agenda) (ALL PUBLIC COMMENT MUST BE SENT VIA EMAIL TO CLANDES@GARDINERMAINE.COM, REGULAR MAIL: 6 CHURCH STREET GARDINER ME 04345 OR CALL 207-582-4200 DURING REGULAR BUSINESS HOURS)**

   None

3. **PETITIONS/PUBLIC HEARINGS**

   None

4. **NEW BUSINESS**

   None

5. **EXECUTIVE SESSION**

   - **Pursuant to M.R.S.A. § 405(6)(E): USDA RD Intermediary Relending Program (IRP) Loan Program Applicant Request**

     Councilor Berry moved to enter into executive session Pursuant to M.R.S.A. § 405(6)(E): USDA RD Intermediary Relending Program (IRP) Loan Program Applicant Request.
     Councilor Cusick seconded.
     Mayor Hart asked for any discussion. Seeing none. All those in favor. Unanimous. 6:04pm.

     Councilor White moved to exit out of executive session Pursuant to M.R.S.A. § 405(6)(E): USDA RD Intermediary Relending Program (IRP) Loan Program Applicant Request.
     Councilor Ault seconded.
     Mayor Hart asked for any discussion. Seeing none. All those in favor. Unanimous. 6:46pm.

   - **Pursuant to M.R.S.A. § 405(6)(A): City Manager Annual Review**

     Councilor Cusick moved to enter into executive session Pursuant to M.R.S.A. § 405(6)(A): City Manager Annual Review.
     Councilor White seconded.
     Mayor Hart asked for any discussion. Seeing none. All those in favor. Unanimous. 6:54pm.
Councilor Cusick moved to exit out of executive session Pursuant to M.R.S.A. § 405(6)(A); City Manager Annual Review. Councilor Frey seconded. Mayor Hart asked for any discussion. Seeing none. All those in favor. Unanimous. 7:48pm.

6. CITY MANAGER REPORT

None

7. CITY COUNCIL REPORT

None

8. ADJOURN


This document will be reviewed during the September 02, 2020 City Council Meeting.